

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

August 6<sup>th</sup>, 2024

At 1:30pm, Chairman Utke called the Foster County Commission meeting to order. Roll call included Commissioner Scott Beumer, Commissioner Becky Hagel, Commissioner David Utke, Commissioner Alan Scanson, and Commissioner Pat Copenhaver. Also present was Foster County Auditor/Treasurer Ellen Roundy.

The meeting began with approval of the minutes for the July 16<sup>th</sup>, 2024, regular meeting. Commissioner Utke noted one clarification. Commissioner Scanson motioned to approve the minutes with the change, seconded by Commissioner Copenhaver. All voted aye and the motion passed.

Auditor/Treasurer Roundy included two checks that were written due to time sensitivity. Check number 37399 for \$45.00 was to the POST Board check number 37400 for \$10.00 to NDDOT. Commissioner Beumer motioned to approve the bills, including checks number 37399 and 37400, seconded by Commissioner Scanson. All voted aye and the motion passed.

37399	POST BOARD	45.00
37400	NDDOT	10.00
37442	BALCO UNIFORM CO., INC.	248.50
37443	BESSETTE MOTORS, INC.	307.88
37444	BUTLER MACHINERY COMPANY	57.72
37445	C & J OIL COMPANY	12,422.95
37446	CENTRAL BUSINESS SYSTEMS	88.50
37447	CENTRAL CITY H2O+	37.50
37448	CENTRAL CITY LUMBER INC.	75.00
37449	COMPUTER EXPRESS	999.00
37450	CRAIG WIESZ	60.30
37451	DANIELLE KOEPLIN	107.20
37452	EAPC ARCHITECTS ENGINEERS	7,363.41
37453	ELLEN ROUNDY	22.50
37454	FOSTER COUNTY INDEPENDENT	1,479.56
37455	FOSTER COUNTY TREASURER	98.50
37456	GENERAL ROOFING AND CONSTRUCTION	301,410.00
37457	HIGH PLAINS EQUIPMENT	429.20
37458	JOHN DEERE FINANCIAL	80,897.91
37459	JUSTIN JOHNSON	85.00
37460	KAREN EVANS	142.51
37461	M&C PLUMBING AND HEATING	960.00
37462	NDSU	10,916.32
37463	NEWMAN TRAFFIC SIGNS	307.68
37464	OFFICE OF ATTORNEY GENERAL- 1250	155.00
37465	POST BOARD	25.00
37466	RDO EQUIPMENT CO.	4,130.42
37467	SIDWELL COMPANY	150.00
37468	STUTSMAN COUNTY AUDITOR	2,000.00
37469	UNIFORM CENTER	415.50
37470	URBAN COUTURE	75.00
37471	WILLIAM J GALE	645.76

Commissioner Beumer motioned to approve the agenda seconded by Commissioner Copenhaver. All voted aye and the motion passed.

Old Business

There was no update for the lots by Juanita Lake or Garrison Diversion.

New Business

Nate Monson, Road Superintendent, provided an update for the Road Department. Rain totaled 4.66" for the month of July. The Club Hall Road project will be pushed back from the original start of August to October. The department still has barricades out at Bordulac for the Train derailment and all highway ditches were mowed by the department or landowners. Jeff Bata will no longer serve on the Weed Board and Monson presented Elliot Paczkowski as his replacement. Commissioner Beumer motioned to approve Paczkowski to the Weed Board, seconded by Commissioner Copenhaver, all voted aye, and the motion passed. Auditor/Treasurer Roundy completed the Oath of Office with Paczkowski.

Auditor/Treasurer Roundy presented the preliminary budget to the BOCC for approval. Commissioner Scanson motioned to approve the preliminary budget as presented seconded by Commissioner Hagel. All voted aye and the motion passed. Roundy presented the pledge of assets to the BOCC. Commissioner Scanson motioned to approve the pledge of assets, seconded by Commissioner Hagel. All voted aye and the motion passed.

Tax Director, Karen Evans, presented the BOCC with one abatement for Laural Leif Holtan for the years 2022 and 2023. Commissioner Copenhaver motioned to approve the abatement, seconded by Commissioner Scanson. All

voted aye and the motion passed. Foster County Planning and Zoning held a meeting at 7:00 AM on August 6<sup>th</sup> for building permits. The building permits are for Darin Hoff, pole barn, Cameron and Ellen Roundy, new build, and Jason Sisson, pole barn. Commissioner Beumer motioned to approve the building permits seconded by Commissioner Copenhagen. All voted aye and the motion passed. A public hearing was held at 7:15 AM for a conditional use permit for American Towner/Verizon equipment modifications at existing telecommunications site in Haven Township. Commissioner Copenhagen motioned to approve the conditional use permit seconded by Commissioner Scanson. All voted aye and the motion passed. Evans noted that the state has a grant opportunity for reimbursement on cost of posting information with Vanguard's website. She has applied for the grant and will keep the BOCC updated. Also discussed was address changes and working with her department and the BOCC on creating steps for the process.

Nick Delaney, with Rinke Noonan, joined the meeting via teams to discuss the quick take action process with easements and the Foster County Water Resource District. The quick take procedure is as follows:

1. Conduct informal negotiations for not less than sixty days
2. Engage in formal negotiations by sending an appraisal and written offer for just compensation by certified mail
3. If there is no response for 15 days, send a written request for a meeting by certified mail
4. If there is no response to the meeting request for 30 days, send written notice of intent to take the easement by certified mail.
5. If there is no response to this notice, the District must request approval from the County Commissioners to utilize the quick take authority.
6. The Commissioners must give at least 30 days' advance notice to the landowners prior to the public meeting.
7. The Commissioners shall hold a public meeting to discuss and vote on authority to use the quick take procedures, during which the Commissioners shall verify that the District made no reference or threat of quick take eminent domain during negotiations.
8. Upon a Commissioner vote approving quick take by the District, the District may take immediate possession of right-of-way, but not a blanket easement, by filling an affidavit of the District Chairman that the above procedures have been followed and the appraisal amount for the easement has been deposited with the district court; and
9. The landowner has the opportunity to appeal to the district court within 30 days, which begins an eminent domain proceeding under NDCC Title 32-15.

The public meeting has been scheduled for August 20<sup>th</sup> at 3:30 PM at the Foster County Courthouse. The BOCC was unaware that construction on the Drain was going to begin on August 12<sup>th</sup>. Jennifer Malloy, APEX Engineering provided an update on signage and communication contacts for the Road Department during that timeframe.

Michael Gussiaas, Foster County Resident, approached the BOCC regarding the Drain #1 project. Discussion included assessment amount and the quick take process. Commissioner Utke noted that the BOCC must decide if the FCWRD followed the correct steps.

Commissioner Utke and Commissioner Scanson attended a building meeting earlier in the day. Phase two of the basement renovation is going well and is on track. Trev Zerr had contacted the Auditor's office regarding the remaining fuel that was being used at Juanita Lake for mowing. Commissioning Scanson motioned to allow Zerr to purchase the fuel at the actual cost the county paid, seconded by Commissioner Copenhagen. All voted aye and the motion passed. Discussion also included updating the storage agreement for the Quonset at Juanita Lake. Commissioner Utke has been working with Stutsman/Foster EM on purchasing Radios for the county. An invoice was presented to the Road Department and Emergency management totaling \$42,460.20 before the rebate. The county's cost after the rebate will be around \$16,000. Commissioner Scanson motioned to approve the purchase of radios before the end of the year, seconded by Commissioner Hagel. Roll call voted included:

- Commissioner Beumer – aye
- Commissioner Hagel – aye
- Commissioner Utke – aye
- Commissioner Copenhagen – aye
- Commissioner Scanson – aye

motion passed. Commissioner discussion continued with placing a right of way encroachment notice in the paper. Commissioner Scanson motioned to approve the notice, seconded by Commissioner Beumer. All voted aye and the motion passed. NDACo requires a voting delegate for the annual convention. Commissioner Beumer motioned to appoint Auditor/Treasurer Roundy as the delegate, seconded by Commissioner Scanson. All voted aye and the motion passed. Auditor/Treasurer Roundy requested to move the next regular BOCC meeting on August 20<sup>th</sup>, 2024, up to 2:00 PM, with a special meeting for the Water Board to be held at 3:30 PM on August 20<sup>th</sup>, the BOCC agreed.

With no further business, Chairman Utke adjourned the meeting at 3:56 pm.

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Ellen Roundy  
Foster County Auditor/Treasurer

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David Utke, Chairman  
Board of County Commissioners